

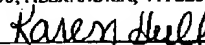
PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): RONALD JOHN SHIMEK et al.	Examiner: PRICE, Carl D.
Appln. No.: 09/935,483	Group Art Unit: 3749
Filing Date: August 23, 2001	Docket No. 77012-325812
Title: UNIVERSAL NON-POROUS FIBER REINFORCED COMBUSTION CHAMBER FIREPLACE	

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Commissioner for Patents
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Karen Hull

FACSIMILE TRANSMISSION TO THE PTO

The following papers are being transmitted to the Patent and Trademark Office by facsimile transmission:

1. Communication - (2 pages)
2. Power of Attorney To Prosecute Application Before The USPTO - (1 page)
3. Copy of Consent By Assignee Under 37 CFR 1.72 and Proof of Ownership Under 37 CFR 3.73, signed August 22, 2001- (3 pages)
4. Copy of Declaration of Daniel Shimek dated May 16, 2003 - (2 pages)
5. Copy of Declaration of Patricia Shimek dated May 9, 2003 - (2 pages)
6. Copy of Transmittal Letter dated June 9, 2003 and Express Mail Label EV347834955US- (2 pages)
7. Copy of page 10 of Paper No. 9 - (1 page)

If you do not receive all pages, please contact us at (612) 766-7000 or (612) 766-1600 (fax). Should any additional fee be required, the Commissioner is authorized to charge our Deposit Account No. 06-0029 and is requested to notify us.


THIS FACSIMILE IS INTENDED ONLY FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

Respectfully Submitted,

RONALD JOHN SHIMEK et al.

Dated: March 31, 2005

By:


Paul W. Busse, #32,403
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2200 Wells Fargo Center
90 South Seventh Street
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612/766-7046

M2:20786702.01

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Karen Hull
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COMMUNICATION

In a telephone interview on March 24, 2006 with Examiner Carl Price, certain deficiencies of the original declaration submitted on August 23, 2001 were discussed.

Applicants request that the attached Declarations of Daniel Shimek dated May 16, 2003 and Patricia Shimek dated May 9, 2003 (for deceased Ronald Shimek) be reconsidered in the cited reissue application. Included with this Communication is a copy of the transmittal letter and date stamped express mail label indicating that the two supplemental declarations were originally mailed June 9, 2003. Although, no return postcard is now in the file, receipt of these declarations was acknowledged by Examiner Carl Price in Paper 9 mailed on August 8, 2003..

Applicants submit that the supplemental declarations mailed June 9, 2003 overcome the deficiency of the earlier declarations and place the application in condition for allowance.

Applicants also submit a new Power of Attorney authorizing the undersigned to represent the assignee of the present invention.


Continued

Communication
Appln No. 09/935,483
Page 2 of 2

No fee is believed to be necessary. Should any fee be required, the Commissioner is authorized to charge our Deposit Account No. 06-0029 and notify us of the same.

Respectfully Submitted,

RONALD JOHN SHIMEK et al.

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Dated: March 31, 2006

M2:20786687.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Shimek et al.	Examiner:	Carl D. Price
Serial No.:	09/935,483	Group Art Unit:	3743
Filed:	August 23, 2001	Docket:	12929.1033USRE
Confirmation No.:	9000	Due Date:	June 12, 2003
Title:	Universal Non-Porous Fiber Reinforced Combustion Chamber Fireplace		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 347834955 US
Date of Deposit: June 24, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 
Name: John Junkers

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

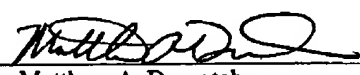
We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing.
- ☒ Amendment and Response to Office Action mailed December 12, 2002.
- ☒ Other: Supplemental Declarations of the Inventors (2 copies).
- ☒ Return postcard.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300



By: 
Name: Matthew A. Doscotch
Reg. No.: 48,957
MAD/RAK:pll

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Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: Shironek et al.

For: Universal Non-Porous Fiber Reinforced Combustion Chamber Fireplace

Docket No.: 12929.1033USRE

Filed: August 23, 2001

Express Mail No.: EV 347834955 US

Date Mailed: June 9, 2003

Serial No.: 09/935,483

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Application/Control Number: 09/935,483
Art Unit: 3743

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The requirement is still deemed proper and is therefore made FINAL.

Cancellation of non-elected claims 41-55 is acknowledged.

Reissue Oath/Declaration

Submission of the declarations newly executed by both applicants is acknowledged. The newly submitted reissue declarations include the necessary information to overcome the previous noted defects in the original declarations filed by applicants.

Offer to Surrender

Applicant's offer to surrender the original patent is acknowledged. The original patent, or statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed.

Supplemental reissue oath/declaration under 37 CFR 1.175(b)(1)

In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 1-31,33-40 are rejected as being based upon a defective reissue declaration

In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

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